

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE STATE OF TEXAS and GREG
ABBOTT, in his official capacity as Governor
of the State of Texas,

Defendants.

Case No. 3:21-cv-00173-KC

PLAINTIFF'S DISCLOSURE OF WITNESSES AND EXHIBITS

Pursuant to the Court's August 9, 2021, order, Plaintiff, the United States of America, submits the following disclosure of witnesses and exhibits for the August 13, 2021 hearing on Plaintiff's motion for a preliminary injunction.

I. Witnesses. Plaintiff intends to affirmatively call the following witnesses:

Witness	Summary of Testimony
Brian S. Hastings, Chief Patrol Agent, Rio Grande Valley Sector, U.S. Border Patrol, U.S. Customs & Border Protection (CBP)	The information included in the witness's declaration, including the impact of EO GA-37 on Department of Homeland Security (DHS) operations in Texas; COVID 19 protocols for individuals in and being released from CBP's custody.
Russell Hott, Assistant Director for Enforcement, Enforcement and Removal Operations, Immigration and Customs Enforcement (ICE)	The information included in the witness's declaration, including the impact of EO GA-37 on DHS operations in Texas; COVID 19

	protocols for individuals in and being released from ICE's custody.
Jalyn Sualog, Deputy Director, Office of Refugee Resettlement (ORR), U.S. Department of Health and Human Services	The information included in the witness's declaration, including the impact of EO GA-37 on ORR's operations in Texas; COVID 19 protocols for noncitizen children in ORR's custody.

Plaintiff reserves the right to call any witness listed on Defendants' disclosures.

II. Exhibits: Plaintiff intends to rely on the following exhibits:

Number	Exhibit
P-1	EO GA-37, "Relating to the transportation of migrants during the COVID-19 disaster" (issued July 28, 2021)
P-2	Declaration of Brian S. Hastings
P-3	Declaration of Russell Hott
P-4	Declaration of Jalyn Sualog
P-5	Letter from AG Garland to Gov. Abbott (dated July 29, 2021)
P-6	EO GA-38, "Relating to the continued response to the COVID-19 disaster" (issued July 29, 2021)
P-7	"Public Health Reassessment And Order Suspending The Right to Introduce Certain Persons From Countries Where A Quarantinable Communicable Disease Exists" HHS CDC (issued August 2, 2021)
P-8	Declaration of Ruben L. Garcia, filed in <i>Annunciation House, et al. v. Abbott</i> , 3:21-cv-00178 (W.D. Tex.), at ECF No. 4-2
P-9	Declaration of Madeleine Sandefur, filed in <i>Annunciation House, et al. v. Abbott</i> , 3:21-cv-00178 (W.D. Tex.), at ECF No. 4-3
P-10	Declaration of Jennifer K. Harbury, filed in <i>Annunciation House, et al. v. Abbott</i> , 3:21-cv-00178 (W.D. Tex.), at ECF No. 4-4
P-11	Declaration of Cesar Espinosa, filed in <i>Annunciation House, et al. v. Abbott</i> , 3:21-cv-00178 (W.D. Tex.), at ECF No. 4-5
P-12	Declaration of Steven C. McCraw
P-13	Gov. Abbott Press Release (dated July 29, 2021)

P-14	World Health Organization COVID-19 Data, COVID-19 Explorer Tool
P-15	Letter from Gov. Abbott to AG Garland (dated July 30, 2021)

Plaintiff reserves the right to rely upon any exhibit listed on Defendants' disclosures, and to use additional exhibits with Defendants' witnesses on cross-examination.

Dated: August 11, 2021

Respectfully submitted,

BRIAN M. BOYNTON
Acting Assistant Attorney General

BRIAN D. NETTER
Deputy Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

JEAN LIN
Special Litigation Counsel

/s/Zachary A. Avallone
ZACHARY A. AVALLONE
ELLIOTT M. DAVIS
STEPHEN EHRLICH
MICHAEL J. GERARDI
JOSHUA M. KOLSKY
ANTONIA KONKOLY
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW Washington, DC 20005
Tel: (202) 514-2705
Fax: (202) 616-8470
E-mail: zachary.a.avallone@usdoj.gov

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I certify that a copy of this filing was served on the other parties to this action and their counsel of record through electronic filing in the Court's ECF system on August 11, 2021.

/s/ Zachary A. Avallone

Zachary A. Avallone